

17 December 2018

Ms Roseanna Cunningham MSP

Cabinet Secretary for the Environment, Climate Change and Land Reform

Mr Kevin Stewart MSP

Minister for Local Government, Housing and Planning

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Dear Cabinet Secretary and Minister

Update on LINK Hilltracks campaign

We are writing on behalf of the Scottish Environment LINK Hilltracks sub-group following the recent debate in the Local Government & Communities Committee relating to an amendment put forward by Andy Wightman MSP on the issue of greater regulation on the construction of hilltracks.

We are writing jointly to you as this matter affects both your portfolios. The visual and physical impact of constructed tracks is a well-documented and understood area of concern in land use policy, and one which may be resolved through the planning system

The evidence in our [Changing Tracks](#) report shows that many of these tracks, which are ostensibly built for agricultural purposes, are in reality often built to support activities relating to intensive grouse moor management or deer stalking purposes and should therefore not benefit from permitted development rights (PDRs). The report also includes evidence showing that:

- Tracks have continued to creep further into wilder landscapes;
- Permitted development rights can lead to badly-sited, designed and built tracks;
- Some tracks have been built over existing low-impact trails, including historical routes;
- The public has little chance to engage with the planning process, creating a democratic deficit.

Mr Wightman's amendment differed slightly from the recommendations in our report, as he called for greater controls over tracks constructed in protected areas and on land used for field sports by removing PDRs for such tracks, whereas our report's recommendation was to remove PDRs from all tracks built for agricultural purposes. However, we are satisfied that the overall effect of such a change would be very similar. Therefore, we were disappointed that Mr Stewart did not take the opportunity to finally resolve this issue which we believe would support the Scottish Government's stated commitments to the environment, equality and land reform.

We are also disappointed that the grouse moor review panel led by Professor Alan Werritty does not include the impacts of hilltracks within its remit, which we learned from SNH when we sent a copy of our report to the panel. We hope it is not too late to include this issue at this stage, and would ask whether it is possible for Ms Cunningham to request that

Professor Werrity does so? The problems being investigated by the panel related to muirburn, use of medicated grit and mountain hare culls on grouse moors are all enabled by the construction and use of tracks, which themselves have significant detrimental impacts on the landscape.

We are aware that the Scottish Government will be consulting on a review of PDRs next year, and that Mr Stewart recommended we respond to that consultation in due course. However, you will also be aware that in 2011 the government held a previous consultation into PDRs which received a high level of evidence on the damage caused by hilltracks, and reported in [2012](#):

"There were opposing views in response to the 2011 consultation on PDR associated with private ways. Whilst there was a strong desire from landowners to retain existing PDR, there was also compelling evidence presented of the damage caused by some tracks. On balance, it is therefore considered that the removal of Permitted Development Rights for formation of access tracks is the appropriate option."

The result of this process, however, was not the removal of PDRs but rather the introduction of a Prior Notification system. Since Prior Notification was introduced in December 2014, we have been monitoring its implementation and our *Changing Tracks* report shows that Prior Notification has been unable to address many of the problems previously identified. We therefore have concerns that there is a risk that a future consultation will also fail to introduce the action which our report is calling for. Meanwhile, tracks are still being built in ways which lack democratic oversight and also continue to cause damage to Scotland's valued landscapes and environment.

We understand from discussions with Mr Wightman that he is intending to refine the exact wording, and table a further hilltracks amendment for the Parliament's Stage 3 consideration of the Planning Bill. You will have seen the high level of public disappointment following the Stage 2 vote, and we would be grateful if Ms Cunningham could raise this matter with Mr Stewart. We would like to receive a firm commitment that he will consider again the opportunity afforded by the Planning Bill to protect Scotland's environment by removing PDRs from tracks. We feel that there have been very constructive discussions at Stage 2 and we hope that Stage 3 will see further improvements, ensuring that the Planning Bill contributes to delivering a sustainable Scotland.

Thank you for your consideration of this matter.

Yours sincerely

Helen Todd and Beryl Leatherland
Co-conveners, LINK Hilltracks sub-group

The following organisations are members of the LINK hill tracks campaign group:

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|--------------------------------------------------|--------------------------------------|
| Association for the Protection of Rural Scotland | Ramblers Scotland |
| Badenoch & Strathspey Conservation Group | RSPB Scotland |
| Cairngorms Campaign | Scottish Campaign for National Parks |
| North East Mountain Trust | Scottish Wild Land Group |
| National Trust for Scotland | |

The campaign is also supported by the John Muir Trust and Mountaineering Scotland who are not LINK members.